

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

February 3, 2014 – 1:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Jim Sides, Chairman
Craig Pierce, Vice-Chairman
Jon Barber, Member
Mike Caskey, Member
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Sides convened the meeting at 1:00 p.m.

Commissioner Mitchell provided the Invocation and also led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Pierce moved to add a discussion regarding giving the Farmer's Market access to the West End Plaza for their operation. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Sides added the issue as agenda item #2a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the agenda passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the January 21, 2014 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Chairman Sides placed Consent Agenda item A on the regular agenda as item #2b for a vote.

Commissioner Pierce moved approval of the Consent Agenda as amended. The motion was seconded by Commissioner Barber and passed unanimously.

The Consent Agenda consisted of the following:

- A. Approval of Gildan Assistance Agreements (placed on the regular agenda as item #2b)
- B. Permission to Sell Withdrawn Library Materials
- C. Proclamation Honoring the 175th Anniversary of Gay's Chapel United Methodist Church
- D. Award Service Sidearm to Retiring Deputy James Rollings
- E. Proclamation Honoring the Public Service of Essie Kiser Foxx

2. PUBLIC COMMENT PERIOD

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Terry Kindley encouraged the Board to involve the citizens with regards to issues at the Animal Shelter.
- Annie Scott provided a handout and addressed the Board regarding issues at the Animal Shelter.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

ADDITIONS

2A. DISCUSSION REGARDING PROPOSAL TO ALLOW FARMER'S MARKET TO BE HELD AT WEST END PLAZA

Commissioner Pierce said the Farmer's Market (Market), which is handled through the Tourism Development Authority (TDA), would be displaced in the coming year. Commissioner Pierce said he would like to offer a proposal for the Market to offer them space at the West End Plaza (Plaza) for their vendors. Commissioner Pierce said the proposal would provide more than ample parking and include space inside the common area for a year round Market. Commissioner Pierce pointed out there were vendors that offered baked goods, etc. and the year round market would be a win-win for all with a permanent location. Commissioner Pierce said the TDA was meeting later in the day and he would like to submit the proposal for their consideration. Commissioner Pierce said the proposal should be coordinated through the County Manager to avoid any conflict with the County's plans for the Plaza.

Chairman Sides favored the proposal and supported allowing the County Manager and the County's TDA representative to work on the effort.

Commissioner Mitchell supported the concept and said he liked the idea of offering an area inside the Plaza to sell non-seasonal items.

Commissioner Caskey supported offering the proposal to the TDA with the understanding the proposal was merely an option and not intended to overshadow the TDA's current efforts.

Commissioner Barber said he would take the offer to the TDA.

Commissioner Pierce moved to offer property in the parking lot to the Farmer's Market, as well as a kiosk inside to be available as a permanent location. Commissioner Mitchell seconded and the motion passed unanimously.

2B. APPROVAL OF GILDAN ASSISTANCE AGREEMENTS

(This item was pulled from the Consent Agenda).

Commissioner Mitchell moved approval of the Gildan Assistance Agreements. The motion was seconded by Commissioner Pierce and carried 4-1 with Chairman Sides dissenting.

3. QUASI-JUDICIAL HEARING FOR CUP 01-14

Chairman Sides read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 01-14 to be in session. Chairman Sides said the hearing would focus on an application submitted by Argand Energy Solutions (Argand) to construct a 5 megawatt solar energy system on Tax Parcels 274-016 & 017 located at the 1300 block of Redmon Road.

The Clerk swore in those wishing to provide testimony in the case.

Senior Planner Shane Stewart presented the Staff Report (Exhibit B), as well as a power point presentation (Exhibit C) as he discussed the application. Mr. Stewart used the power point presentation (Exhibit C) to depict the site and the surrounding areas.

Mr. Stewart explained that Argand was requesting a conditional use permit on behalf of Strata Solar, LLC to construct a 5 megawatt ground mounted photovoltaic solar energy system on Tax Parcels 274-016 and 017 located at the 1300 block of Redmon Road on 53 acres zoned Rural Agricultural (RA) owned by William and Linda Kesler.

Mr. Stewart reviewed the conditional use requirements and evaluation criteria contained in the Staff Report (Exhibit B).

Mr. Stewart provided the Board with some suggested examples of findings of fact (Exhibit D).

Mr. Stewart also distributed some comments provided by citizens who were unable to attend the public hearing (Exhibit E).

The following individuals came forward to provide testimony in the case:

- Rob Lease, with Argand Energy Solutions, stated their services consisted from site development to finance. In this project, Mr. Lease said that Argand would be in co-development and co-construction on the front end and then bringing the project to Strata Solar who would finance it. Mr. Lease said the construction date in mind to start the project was May 19, 2014. Mr. Lease said there were many reasons for the site selection and noted such reasons as having 3-phase power going to a substation; the lay of the land; the surrounding areas and neighbors and the Kesler's owning the land adjacent; a proper access road; the landlord's long term plan for the land. Mr. Lease said this project matched the landlord's current use of land and made sense to go into long term plan. Mr. Lease said it was felt that the way the land was situated and sloping to the south, the project was hidden from Redmon Road.

Chairman Sides asked if there would be any buffering where the site faces the road and Mr. Stewart responded that none was currently proposed.

Chairman Sides asked the petitioner, Mr. Lease, if he would have a problem placing a buffer to shield the property from the road. Mr. Lease responded the company would have no problem at all with the request. Mr. Lease said the company wanted to be a good neighbor and he had discussed an L-shaped buffer with Mr. Stewart. Mr. Lease pointed out that the buffer could not be so high as to block the solar panels.

- John Davis with Argand discussed how this project would help the factory near by and said the panels would be facing toward that factory with no glare to the road.

In response to Chairman Sides' request to implement the buffer as a fifth requirement, Mr. Stewart asked the Board to specify the buffer type.

Mr. Lease reported that a wax myrtle bush was a typical buffer and he could place the buffer on a revised site plan.

Chairman Sides said he would like to see the buffer as a requirement and that Mr. Stewart would work with the company on the matter.

Mr. Davis said the company would do its best to minimize any effects.

- Charles Floyd said he and his wife owned the Wainwright Barber Farm (Farm). Mr. Floyd said the Farm had been placed on a conservation easement due to the need to protect the rural area. Mr. Floyd said a cousin owned the adjoining farm, which had also been placed a conservation easement to protect the area. Mr. Floyd felt solar energy was “a good thing” but not when located in an inappropriate location. Mr. Floyd felt solar energy was more of an industrial use and he named several sites he felt would be more appropriate for the company’s location. Mr. Floyd expressed hope the Board would reject the application.
- Gerald Brown said she and her husband Paul lived across the road from where the solar panels were to be located. Ms. Brown said she did not want to look at the panels for the rest of her life and she asked the Board to deny the request.

With no one else sworn to provide testimony in the case, Chairman Sides closed the public hearing.

Commissioner Barber moved to table the request for thirty (30) days to allow the Board to better understand the opposition that exists in the community and to take up the application at a later date. The motion died due to lack of a second.

Commissioner Pierce said the Board also had to consider that Mr. Kesler owned the property where the company was to be located and the property owner had rights, too. Commissioner Pierce said if the request had been from a company that would be derogatory to whole community the Board would have considered that aspect. Commissioner Pierce concluded by saying some citizens would be unhappy with his position but he felt the solar farm was for the betterment of the whole county.

Commissioner Pierce moved the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: The proposed warning signage and security fence will caution individuals of potential hazards while restricting unauthorized access.

FACT: Site construction will be in accordance with the Building Codes Enforcement Office and engineering certifications to ensure the panels are properly installed and securely anchored.

The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

Commissioner Pierce moved that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and;

FACT: No material evidence was presented suggesting this request would injure property values.

The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

Commissioner Pierce moved that the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: Planning Staff provided testimony regarding potential noise, glare, and dust impacts for the operation based on industry research and a visit to a similar facility in Mount Airy, NC known as the Ararat Solar Farm.

FACT: Noise levels for the internally located inverters should not be substantial at the property lines.

FACT: According to the staff report, panel glare should be similar to that exhibited by agricultural crops, grasses, and bodies of water.

FACT: The proposed facility is located adjacent to a 168 acre IND district and would only be visible by an estimated six (6) residences as suggested by the staff report.

FACT: This property is located within a Commercial / Industrial area according to the Western Rowan Land Use Plan suggesting this land use would be in general conformity.

The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

Commissioner Pierce moved approval of CUP 01-14 along with Staff's findings and the additional screening requirement. The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

4. CONSIDER FUNDING ADDITIONAL PARKING FOR RUFTY-HOLMES SENIOR CENTER

Commissioner Pierce reported that the Facility Committee at Rufty-Holmes Senior Center (Center) was currently working to raise funds to grade and pave the area behind the Center for desperately needed parking. The estimate provided by a local contractor for the parking was \$125,000.

Commissioner Pierce said the Committee had raised a total of \$32,000 for the project. Based on the programs and needed services offered by the Center for

the seniors in Rowan County, Commissioner Pierce requested the Board offer a one-time grant in the amount of \$20,000 for the project.

Commissioner Pierce moved to offer a one-time gift in the amount of \$20,000 for additional parking at Rufty-Holmes Senior Center. The motion was seconded by Commissioner Barber.

Chairman Sides said the Center was frugal with its funds and added quality to the lives of those it served. Chairman Sides said many people attend the Center and are appreciative of services provided there.

Upon being put to a vote, the motion on the floor passed unanimously.

Commissioner Pierce moved, Commissioner Barber seconded and the vote to use contingency funds passed unanimously.

5. CONSIDER APPROVAL OF BOARD APPOINTMENTS **SOUTH SALISBURY VFD FIRE COMMISSION**

There are three (3) vacancies and the following have submitted applications:

- Robert Keith Boles for reappointment
- Ernest Wayne Taylor for reappointment
- William Thomas Webb for reappointment
- Samuel Charles Guessford
- Darrell Madison Nichols – Please note Mr. Nichols has also applied for reappointment to the Agricultural Advisory Committee

The terms are two (2) years beginning January 1, 2014 and expiring December 31, 2015.

In order to appoint any of the three (3) applicants seeking reappointment, the Board would need to waive the term limits, as set forth in the Resolution adopted in September, 2012.

Chairman Sides said the applicants would be considered in order in which they were listed and the first three (3) applicants receiving three (3) votes would be appointed.

Robert Keith Boles was reappointed 3-2 with Commissioners Pierce and Caskey dissenting.

Ernest Wayne Taylor was reappointed 3-2 with Commissioners Pierce and Sides dissenting.

William Thomas Webb was reappointed 3-2 with Commissioners Pierce and Sides dissenting.

AGRICULTURAL ADVISORY COMMITTEE

There are three (3) vacancies and the following applications have been submitted:

- Mark Mauldin
- Harry Corriher
- Darrell Madison Nichols for reappointment
- Lawson Kim Starnes for reappointment

One term is for three (3) years beginning January 1, 2014 and expiring December 31, 2016. Two (2) terms are for three (3) years beginning February 1, 2014 and expiring January 31, 2017.

Commissioner Pierce nominated Mark Mauldin to serve the first term beginning January 1, 2014.

Commissioner Barber nominated Harry Corriher to serve the first term beginning January 1, 2014.

Upon being put to a vote, Mark Mauldin was appointed 4-1 with Commissioner Barber dissenting.

Commissioner Barber nominated Darrell Nichols and Lawson Kim Starnes for reappointment.

Commissioner Pierce nominated Harry Corriher.

Chairman Sides said the applicants would be taken in order and the first to receive three (3) votes would be appointed.

Harry Corriher was appointed 3-2 with Commissioners Mitchell and Barber dissenting.

Darrell Nichols was reappointed 3-2 with Commissioners Pierce and Sides dissenting.

JUVENILE CRIME PREVENTION COUNCIL

- For NC State Statute §143B-846, the Council should include the director of the area mental health, developmental disabilities, and substance abuse authority or its designee. In a letter from the Regional Executive Director of Cardinal Innovations Healthcare Solutions (CIHS), a request is being made to have the same manager represent CIHS on all JCPC boards in the region.

Deirdre Webb has submitted an application to replace the current designee. Please note that Ms. Webb is a resident of Mecklenburg County.

Commissioner Mitchell nominated Deirdre Webb and the nomination passed unanimously.

THERAPEUTIC RECREATION ADVISORY BOARD

- Jacob Pace has submitted a letter of resignation
- Carol Ann Hylton has submitted an application to fill the unexpired term of Jacob Pace. The term expires July 31, 2014.

Commissioner Mitchell moved to accept the resignation from Jacob Pace. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell nominated Carol Ann Hylton to fill the unexpired term of Jacob Pace and the nomination passed unanimously.

HISTORIC LANDMARKS COMMISSION

There are three (3) vacancies and the following application has been received:

- Linda Swearingen Davis

The term is for three (3) years beginning February 1, 2014 and expiring December 31, 2016.

Commissioner Barber nominated Linda Swearingen Davis and the nomination passed unanimously.

LOCAL EMERGENCY PLANNING COMMITTEE

- An application has been received from William Eric Brown of Southern Company, to replace Mike Thompson as an industry representative.

There are no term limits associated with this committee.

Commissioner Mitchell nominated William Eric Brown and the nomination carried unanimously.

GRANITE QUARRY ZONING BOARD OF ADJUSTMENT

- Howell K. Kesler, Jr. has submitted an application for reappointment.

The term is for three (3) years and expires December, 2016.

Commissioner Mitchell nominated Howell Kesler, Jr. and the nomination passed unanimously.

Chairman Sides called for a recess at 1:52 p.m.

Chairman Sides reconvened the meeting at 2:12 p.m.

6. BUDGET WORK SESSION

County Manager Gary Page said he had received a call from the Salisbury Post as to where the County was headed with its next budget. Mr. Page said he indicated last year that a 3 cent tax increase might be necessary in the next budget process.

Mr. Page noted from the auditors' report received in December, the County spent \$2 million more than it had brought in last year. Mr. Page explained the County currently had a little less than \$15 million in fund balance, or six (6) weeks of operating expenses. Mr. Page said the County had continued to maintain an AA rating with Standard and Poor's but was now at the point where the County needed to build back its fund balance. Mr. Page said he could defend a potential 3 cent tax increase. Mr. Page stated that 2 cents was to match the revenue and expenses to make up the \$2 million. Mr. Page discussed the new 911 Center and consolidated dispatching services, as well as the new ambulance station in Cleveland. Mr. Page said the voters approved three (3) years ago to go up 1¼ cents on the tax rate for projects at Rowan Cabarrus Community College (RCCC) through a bond referendum. Due to revaluation, Mr. Page said the County only raised the tax rate ¼ cent. Mr. Page explained that other than through a voter-approved bond referendum, it had probably been ten (10) years since the County had a tax increase. Mr. Page said it was a testament to the Board not to raise taxes in a recession. Even when story came out in paper, Mr. Page said he had heard comments that the raise in taxes must be because County purchased the Salisbury Mall, now renamed the West End Plaza (Plaza). Mr. Page said he wanted to state the Plaza purchase would have no bearing on next year's budget. Mr. Page went on to say the only thing he would point out was there were a lot of variables that could occur between now and June 30th. Mr. Page said his comments to the Salisbury Post were to set the tone and the worst scenario was probably a 3 to 3.5 cents tax increase. Should things happen, Mr. Page said the Board had the right to make the corrections between now and June 30th. During the past five (5) years, Mr. Page said the County had reorganized every department that could be reorganized, cut positions, gave no raises for three (3) years, changed co-pays on employees' health insurance, made employees pay more on premiums and had done about all that could be done to cut back. Mr. Page said he wanted to clear up what a proposed tax increase would be for.

Chairman Sides said he would give all Commissioners the opportunity to comment and ask questions.

Commissioner Caskey highlighted his areas of concern for the upcoming budget as follows:

- EMS station in eastern Rowan County
- Leave funding level for the schools in place
- Move the Veteran Services Officer to West End Plaza

- Keep the \$25,000 in place for the existing industry position with the Economic Development Commission
- Leave current funding in place for Rowan Museum
- Not interested in a tax increase.

Commissioner Mitchell asked Ms. Heidrick when there would be solid revenue estimates for 2015. Ms. Heidrick responded that generally by February 20th numbers would begin to come from the Tax Administration Office. Ms. Heidrick stated that sales tax could not be prorated, but the budgeted amount was \$16.9 million. Ms. Heidrick explained that for the first four (4) months of the year compared to last year, revenue from sales tax was down by approximately \$150,000. If the same amount was received for the remainder of the year that was received a year ago, Ms. Heidrick said the County would be \$150,000 under budget. Ms. Heidrick went on to say that she expected sales tax to be at budget. Ms. Heidrick said at this moment she did not have an idea on property tax.

Commissioner Mitchell asked Mr. Page what his target goal was for fund balance. Mr. Page responded that the County should have at least 16% or two (2) months of operating money. Mr. Page said that would require going from \$15 million to \$22 million, and the increase could not be done in a year.

Commissioner Mitchell shared his budget concerns as follows:

- Continue working on the Plaza
- Keep Economic Development Commission (EDC) at current funding level
- Keep schools at the current expense levels, or a small increase
- Explore an East Rowan EMS station and continue to look at EMS countywide services
- Get the Animal Shelter issues resolved
- Veteran Services Office relocation
- Keep funding level for the Museum and other non profits
- Get to a balanced level of fund balance

Commissioner Pierce discussed his priorities for the coming budget as follows:

- Animal Shelter and issues of euthanizing and sterilization
- Reclassifications and retention of employees
- Continue efforts at the Airport
- Continue to watch for growth at West End Plaza
- I-85 widening and the Old Beatty Ford Road interchange

Commissioner Barber shared his goals for the budget as follows:

- Quality of life budget or a forward thinking budget
- Stop approving projects that are not passed in the June budget
- Economic Development Commission as a stand alone entity and expanded funding for the EDC
- Pay increase for employees

- Fund current expense outlay for public schools and allocate funds to the child nutrition program
- Additional allocation to Rufty Holmes Senior Center to help fund their five year strategic plan
- Additional allocations for Rowan Vocational Opportunities
- Adequately fund public safety
- Master plan for a no-kill Animal Shelter
- Expand on prescription and dental discount programs
- Assist with the needs of homeless veterans
- Support the Board and the West End Plaza

Chairman Sides talked about the history of budgets in good times and went on to say that when the economy began to go into a recession, the Board became proactive. Chairman Sides said measures were taken to meet the needs of the County without implementing a tax increase. Chairman Sides said he was proud of the fact that he had never voted for a tax increase. Chairman Sides said that if there came a time when it was necessary to have a tax increase to maintain services in Rowan County he would vote for an increase, but no more than what was necessary. Chairman Sides said the presentation from the County Manager was very responsible in that there might need for a 3 cent tax increase.

Chairman Sides spoke about the following positives in the County over the last couple of years:

- \$6 million satellite jail paid for by sales tax increase
- The consolidation of Social Services into a new facility
- A new 911 Center
- A new hangar at the Airport
- The purchase of the Plaza
- A new EMS Station in West Rowan

Chairman Sides said all of this had been accomplished in the worst economy the County had ever seen and all without a tax increase. Chairman Sides said everything had gone up in price and the County could not continue to maintain the level of services provided to the citizens of the County without either more revenue, cutting of services, or raising taxes.

Chairman Sides highlighted his priorities as follows:

- Identify surplus County property to put on the market to sell to offset taxes
- Address compression issues with employees
- Look at the aforementioned eastern EMS station and how it related to the goals of Rescue Squad

Chairman Sides noted more of the positives going on now in the County as follows:

- Property currently under contract possibly providing \$2 million to help offset a tax increase
- Excitement of a major retailer coming to Rowan County
- Increase in sales tax revenue
- Retail job growth
- Open door for more growth
- Gildan Development with another plant and more jobs

Chairman Sides closed by saying he would do what was responsible to supply the needs of the citizens of Rowan County.

7. ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 3:38 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager